

FA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

COD—
THURS 5/22
at 3:00

UNITED STATES OF AMERICA

vs.

No. CR2-07-213-1
JUDGE SARGUS

SEAN W. BECK

PLEA AGREEMENT

Plaintiff United States of America and Defendant SEAN W. BECK hereby enter into the following binding Plea Agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure:

1. Defendant SEAN W. BECK will enter a plea of guilty to Count 5 of the Indictment herein which charges him with conspiracy to possess with intent to distribute in excess of five hundred (500) grams of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§846, 841(a)(1) and §841(b)(1)(B)(ii); and will enter a plea guilty to Count 6 of the Indictment with charges him with one count of knowingly carrying a firearm, that is a pistol, during and in relation to a drug trafficking crime, in violation of 18 U.S.C. §924(c)(1)(A)(i).

2. Defendant SEAN W. BECK understands the penalty that must be imposed pursuant to his plea of guilty to Count 5 of the Indictment is a mandatory minimum term of five (5) years and a maximum term of imprisonment for forty (40) years, a fine of \$2,000,000.00, and a five (5) year term of supervised release. and that the required penalty for Count 6 is an additional term

of imprisonment of 5 years which must be consecutive to any sentence served as a result of Count 5.

3. Prior to or at the time of sentencing the defendant will pay to the U.S. Department of Justice a special assessment in the amount of \$200.00 as required in 18 U.S.C. §3013. This assessment shall be paid by the defendant before sentence is imposed and defendant will furnish a receipt at the time of sentencing. The payments shall be made to the United States District Court, at the Clerk's Office, 85 Marconi Boulevard, Columbus, Ohio 43215.

4. Defendant SEAN W. BECK agrees to testify truthfully and completely concerning all matters pertaining to the Indictment herein and to any and all other unlawful narcotics activities, unlawful activities by any current or former law enforcement officers and extortion under color of official right in which he may have been involved or as to which he may have knowledge. Defendant further agrees to provide a complete statement to authorities of the United States concerning such matters prior to the entry of his guilty plea pursuant to this agreement. Defendant agrees to submit to supplemental debriefings on such matters whenever requested by authorities of the United States, whether before or after his plea is entered.

Pursuant to §1B1.8 of the Federal Sentencing Guidelines, the government agrees that any self-incriminating information so provided will not be used against the defendant in determining the applicable guideline range for sentencing, or as a basis for upward departure from the guideline range.

5. If such plea of guilty is entered, and not withdrawn, and the Defendant SEAN W. BECK acts in accordance with all other terms of this agreement, the United States Attorney for the Southern District of Ohio agrees not to file additional criminal charges against Defendant SEAN W. BECK based on his activities charged in the Indictment or based on other narcotics violations as to which Defendant gives truthful testimony or makes truthful statements pursuant to this agreement. The United States Attorney also agrees to dismiss Counts 1,2,3 and 4 of the Indictment, as they relate to this defendant, at the time of the defendant's sentencing herein. By virtue of the defendant pleading guilty to the Indictment in exchange for the United States' agreement to dismiss Counts 1,2,3 and 4 and to not prosecute him for any additional narcotics and extortion under color of official right violations that he may disclose during the course of his co-operation the defendant understands that he is not a prevailing party, as defined in 18 U.S.C. §3006A, and hereby expressly waives his right to sue the United States as a result of such decision not to prosecute him.

6. Defendant SEAN W. BECK understands that this agreement does not protect him from prosecution for perjury, should he testify untruthfully, or for making false statements, nor does it protect him from prosecution for other crimes or offenses which the United States discovers by independent investigation. Further, should Defendant fail to comply fully with the terms and conditions set forth herein, this agreement is voidable at the election of the United States Attorney for the Southern District of Ohio, and Defendant SEAN W. BECK may be subject to prosecution as if the agreement had never been made.

7. Defendant SEAN W. BECK is aware that his sentence will be imposed in accordance with the United States Sentencing Guidelines and Policy Statements (U.S.S.G.). The defendant is further aware that the District Court has jurisdiction and authority to impose any sentence within the mandatory minimum and the statutory maximum set forth for the offense to which the defendant pleads guilty. The defendant is aware that the Court has not yet determined a sentence.

8. Pursuant to 18 U.S.C. §3553(a) and Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties agree that an 240 month prison term, a five-year period of supervised release and a \$200 special assessment is the appropriate sentence as a result of defendant's conviction for counts 5 and 6 in this case. This is a binding agreement pursuant

to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. If, after viewing the presentence investigation report, the Court refuses to accept this plea agreement due to this binding recommendation on sentencing, the parties understand that either party has the right to have the defendant's guilty plea set aside and proceed to trial on the Indictment, pursuant to Rule 11(c)(5) of the Federal Rules of Criminal Procedure.

9. It is agreed that if the Court refuses to accept any provision of this Plea Agreement, with the exception of the agreements contained in paragraph 10, neither party is bound by any of its provisions, Defendant SEAN W. BECK may withdraw his guilty plea, and the United States Attorney for the Southern District of Ohio may proceed with prosecution pursuant to the Indictment without prejudice.

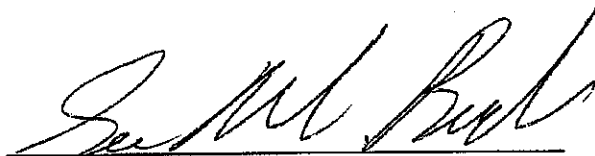
10. It is further agreed by the parties hereto that, for purposes of sentencing: (1) the amount of cocaine to be attributed to defendant pursuant to §2D1.1 and §1B1.3 U.S.S.G. will be in excess of 500 grams but less than 2 kilograms, or a base offense level of 26; (2) the United States will not object to a three level reduction for acceptance of responsibility pursuant to §3E1.1 U.S.S.G., provided defendant merits such a reduction according to the terms of §3E1.1 U.S.S.G.; (3) the two-point enhancement for possession of a firearm, pursuant to §2D1.1(b)(2) U.S.S.G. applies; (4) the defendant will receive a

two level enhancement for the use of his position of public trust in the commission of the offense, pursuant to §3B1.3 U.S.S.G.; (5) the defendant will receive a four level enhancement for the use of body armor, pursuant to §2B1.5(2)(B) U.S.S.G.; and, (6) the defendant will receive an enhancement of two levels for his role in the offense pursuant to §3B1.1(c) U.S.S.G. Finally, the parties understand these agreements are not binding on either the United States Probation Office or the District Court and that the final determination of the applicable guideline range for the defendant's sentence rests solely with the District Court.

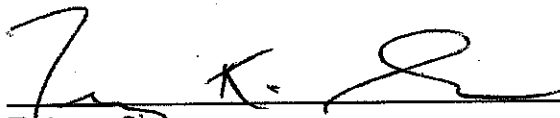
11. The United States Attorney for the Southern District of Ohio agrees that if the defendant, SEAN W. BECK, provides substantial assistance in the investigation or prosecution of others who have committed criminal offenses, the United States Attorney may move the Court pursuant to 18 U.S.C. §3553(e) and/or §5K1.1 of the United States Sentencing Guidelines for an appropriate departure from the otherwise applicable guideline range for Defendant's sentence and will in connection therewith make known to the Court the nature and extent of Defendant's assistance. Defendant understands that whether such motion should be made lies within the discretion of the United States Attorney and that whether and to what extent such motion should be granted are solely matters for determination by the Court.

12. No additional promises, agreements, or conditions have been made relative to this matter other than those expressly set forth herein, and none will be made unless in writing and signed by all parties.

Dated

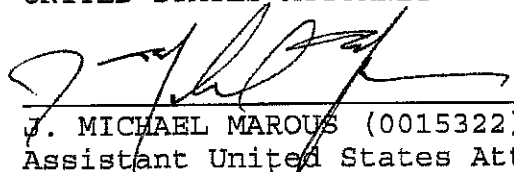
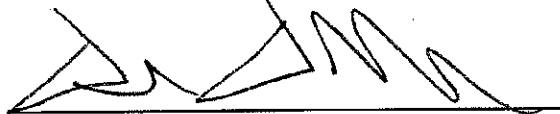


SEAN W. BECK
Defendant



Terry Sherman
Attorney for Defendant

GREGORY G. LOCKHART
UNITED STATES ATTORNEY

 5/21/08
J. MICHAEL MAROUS (0015322)
Assistant United States Attorneys

DAVID M. DEVILLERS (0059456)
Assistant United States Attorneys